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July 25, 2022

BY ECF

The Honorable Stewart D. Aaron
United States Magistrate Court
Southern District of New York
500 Pearl Street, Room 1970
New York, New York 10007

Application GRANTED. SO ORDERED.
Dated: July 26, 2022

Re: *Capolongo v. Brann and Yang*, 21-cv-01469 (VEC) (SDA)

Dear Magistrate Judge Aaron:

I am the Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, assigned to represent Defendants Cynthia Brann and Patsy Yang in the above-referenced action. Per Your Honor's Order dated July 11, 2022 (Dkt. 27), I write to respectfully request that the Court issue the accompanying Order directing Plaintiff's appearance for a deposition.

Plaintiff *pro se* Antonio Capolongo is an inmate at Washington Correctional Facility and a former inmate under New York City Department of Correction custody at the Vernon C. Bain Center ("VCBC"). Plaintiff alleges that during his time at VCBC, he experienced mental and emotional distress because Defendants did not put in place proper social distancing practices and other measures to protect inmates against the risk that they might contract Covid-19. Plaintiff seeks injunctive relief and four-hundred thousand dollars in compensatory and punitive damages.

On July 8, 2022, Defendants submitted a letter motion requesting a 90-day extension of the deadline to complete all discovery, from July 12, 2022 to October 10, 2022. By Order dated July 11, 2022 (Dkt. 27), Your Honor granted Defendants' application in part, extending the discovery completion deadline to August 26, 2022, and ordering Defendants to file, by July 25, 2022, a proposed order to produce Plaintiff for a deposition.

Accordingly, attached hereto for Your Honor's review is a proposed Order that would require the Superintendent or other official in charge of Washington Correctional Facility at the New York State Department of Corrections and Community Supervision to produce Plaintiff for

a deposition by video teleconference on or about Tuesday, August 9, 2022, at 10:00 a.m. Defendants respectfully request that Your Honor (1) endorse the attached proposed Order and (2) grant Defendant leave to depose Plaintiff, pursuant to Rule 30(a)(2)(B) of the Federal Rules of Civil Procedure, on or about Tuesday, August 9, 2022, at 10:00 a.m. Once the proposed Order is endorsed, Defendants will send a copy of it to Washington Correctional Facility and will mail a copy to Plaintiff.

Thank you for your consideration of this request.

Respectfully,

/s/
Darian Alexander
Assistant Corporation Counsel

CC: BY OVERNIGHT AND FIRST CLASS MAIL

Plaintiff Antonio Capolongo
DIN No. 21A0602
Washington Correctional Facility
72 Lock Eleven Lane, P.O. Box 180
Comstock, New York 12821